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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052260
Party	Defendant Edgar Alexander Barrera
Correspondence Address	R. EMMETT MCAULIFFE RIEZMAN BERGER, P.C. 7700 BONHOMME, 7TH FLOOR ST LOUIS, MO 63105 UNITED STATES rem@riezmanberger.com
Submission	Motion to Extend
Filer's Name	Emmett McAuliffe
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Date	01/07/2011
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STEPHEN A. WESTLAKE,

Petitioner,

v.

EDGAR ALEXANDER BARRERA,

Respondent.

)
)
) Cancellation No. 92/052,260
) (Serial No. 77/378,015)
)
)
)
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MOTION TO EXTEND TIME TO ANSWER FOR GOOD CAUSE

COMES NOW the Respondent, by and through counsel, and requests the extension of the time to answer (and resetting of the dates in this proceeding), for good cause, to wit, the Respondent has a medical condition, expected to last for approximately 90 days, during which he will be unable to participate in his own case. Pursuant to this, respondent attorney avers:

1. It has timely received a fax from Dr. Gohar S. Khan M.D. which supports this motion with a medical opinion.
2. There is believed to be no hardship to Petitioner, inasmuch as he continues to use the mark aggressively on his website and at an upcoming trade show at the Jacob Javits Center in New York. See: <http://www.policegazette.us/>
3. Respondent would agree to allow a medical examiner of respondent's choosing, at Petitioner's expense, to examine him if respondent is taking the position by their failure to consent to this motion that Respondent is, in fact, able to participate in his own defense.

The dates in this proceeding would be reset as follows:

Answer Due	04/12/2011
Initial Disclosures Due	05/11/2011
Expert Disclosures Due	09/11/2011
Discovery Closes	10/10/2011
Plaintiff's Pretrial Disclosures	11/25/2011

Plaintiff's 30-day Trial Period Ends	1/09/2012
Defendant's Pretrial Disclosures	1/24/2012
Defendant's 30-day Trial Period Ends	3/07/2012
Plaintiff's Rebuttal Disclosures	3/22/2012
Plaintiff's 15-day Rebuttal Period Ends	4/22/2012

RIEZMAN BERGER, P.C.

By 

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(314) 727-6458 (Fax)
Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument was emailed, and also placed in the United States Mail, postage prepaid, this 7th day of January, 2011, addressed to:

Mark Levy
700 Security Mutual Building
80 Exchange Street
Binghamton, NY 13902



GOHAR S. KHAN, M.D. P.A.

905 BEVILLE RD.

SO. DAYTONA, FL 32119

(386) 767-9000

Fax (386) 767-3761

January 4, 2011

To Whom it May Concern:

My patient, Edgar Alexander Barrera, is making a slow recovery from acute pancreatitis, which continues to limit his ability to pursue normal activities.

Mr. Barrera is still experiencing severe fatigue, along with various gastrointestinal symptoms common during recovery. These include bloating, abdominal pain, loss of appetite, difficulty swallowing, and weight loss.

Pancreatitis is an inflammation of the pancreas, a gland that produces enzymes that enable the body to digest food. It is a life-threatening condition, especially as it leaves the body vulnerable to secondary infections and other complications.

Mr. Barrera was hospitalized from Sept. 19 to Oct. 2. His case was severe, since he also suffered from inflammations of his liver and colon, along with ascites, a buildup of abdominal fluid. Any relapse could endanger his life.

Weight loss following pancreatitis occurs because the organ doesn't produce enough enzymes to properly digest food. For this reason, convalescent patients typically regain a healthy weight only gradually, even after they have resumed normal eating.

Also, prior to his pancreatitis, Mr. Barrera had been suffering from cervical dystonia, a chronic neurological condition that causes involuntary neck spasms. There is no cure and treatments to relieve the symptoms have yielded mixed results. While dystonia is not life-threatening, it can be very painful and seriously limit a patient's mobility.

Accordingly, it is my professional judgment that Mr. Barrera will need at least another 90 days of convalescence. Ample rest is an important part of his both recovery from pancreatitis and management of his cervical dystonia. He should avoid unnecessary stress, which would certainly include legal proceedings.

Sincerely,



Gohar S. Khan, M.D.